

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

AMERICAN ECONOMY	)	
INSURANCE COMPANY,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CIVIL ACTION NO. 2:05CV840-MHT
	)	[WO]
JONATHAN RUTLEDGE, d/b/a	)	
JONATHAN'S DELI,	)	
	)	
Defendants.	)	

**ORDER ON MOTION**

On 3 May 2006, the plaintiff filed its Reply Brief in support of its motion for summary judgment and a Motion to Strike Defendant's Opposition to the motion (Doc. # 26). As grounds for the motion, the plaintiff alleged that

[T]he defendant has a filed a handwritten unsworn document and portions of what he says is a brief supporting his appeal on the criminal conviction for arson. This filing does not comply with the requirements of this Court or Rule 546(e) and thus cannot support a denial of the plaintiff's motion for summary judgment.

On 4 April 2006, the court entered an order directing the defendant to respond to the plaintiff's Motion for Summary Judgment and advising the defendant of the requirements. Accordingly, the court will evaluate the defendant's compliance with its instructions in the course of deciding the motion for summary judgment.

The plaintiff's motion to strike the defendant's opposition is DENIED.

DONE this 8<sup>th</sup> day of May, 2006.

/s/ Vanzetta Penn McPherson  
VANZETTA PENN MCPHERSON  
UNITED STATES MAGISTRATE JUDGE

